

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 08-0730 WHA

v.

IVAN CERNA, et al.,

Defendants.

**ORDER RE MOTION TO  
QUASH HERRERA SUBPOENA**

The SFPD has filed a motion to modify or quash, or for an extension of time to respond to, a Rule 17(c) subpoena issued on behalf of defendant Herrera. Counsel for defendant must meet and confer with the subpoena respondent on July 13, 2009, or on another day before that date agreed by defendant and respondent. Defendant and respondent should thereafter submit a joint report informing the Court of the status of the matter. If they fail to reach an agreement, the matter will be heard **THURSDAY, JULY 16, 2009, AT 1:30 P.M.**; the only participants that need to be present are defendant, his counsel and the respondent. Any brief or memorandum or affidavit by either side must be filed at least **TWO DAYS** before the hearing. This will be treated as an *ex parte* matter, meaning that only defendant, his counsel and the respondent must be present, unless the subpoena respondent alerts the government to the subpoena and the government believes it has some interest in this matter, in which case the government may attend. Any agreed resolution of this matter must not interfere with the scheduling order in this case.

Dated: July 7, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE